Doc. 57 Att. 2

Case 5:07-cv-00347-D

Document 57-3

Filed 10/09/2007

Page 1 of 25

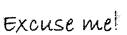
.: Lulu Brands: :Product Development :.

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Emily A Beck

Product Manager, Strategist, Inventor



















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.: Lulu Brands: :Busy John :,

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Iulu brands in the news

http://www.lulubrands.com/resources/NYT_CityMitts.html

9/25/2007

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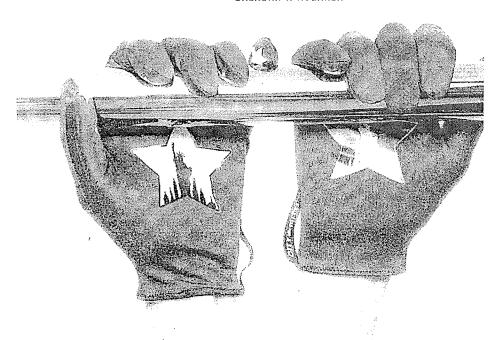
Page 2 of 3

Sunday, July 23, 2006

The New York Times O Decima

THE GOODS

BRENDAN I. KOERNER



Reach Out and Touch That Subway

ERMOPHOBIC commuters face a quandary whenever they have to stand on the bus or the subway: either hang onto the

sive antimicrobiat soaps and lotions. As for the fabric's color, Ms. Beck insisted on black; "I was going for a chic-and-sleek look," she said. their wedding rings, that it was wiser to c valuables.

Testing consisted a

http://www.lulubrands.com/resources/NYT_CityMitts.html

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Reach Out and Touch That Subway Pole - New York Times

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The New York Times



July 23, 2006

THE GOODS

Reach Out and Touch That Subway Pole

By BRENDAN I. KOERNER

GERMOPHOBIC commuters face a quandary whenever they have to stand on the bus or the subway: either hang onto the icky metal poles, or risk being tossed about like rag dolls when the brakes are applied. Veteran straphangers who live in mortal fear of a rhinovirus sometimes favor a compromise solution, which Emily A. Beck first observed while riding the R train through Manhattan in early 2005.

"I noticed these people balancing just one finger on a pole, so they wouldn't have to grab the nasty, slimy metal," said Ms. Beck, founder of the product design firm LuLu Brands of Wilmington, Del., where she lives.

Soon after witnessing these uncomfortable rush-hour contortions, Ms. Beck watched a segment on "Today" on NBC that described the bacteria that can cling to subway handrails. Newly sympathetic to the germophobes, she decided to design City Mitts, antimicrobial gloves that allow worrywart commuters to fearlessly grasp the poles with palms and fingers, rather than lone pinkies.

Ms. Beck, a New York resident when she began working on City Mitts, combed the Fashion District's fabric houses in search of a textile imbued with bacteria-fighting properties. She eventually settled on a microfiber that contains silver ions, an important ingredient in many expensive antimicrobial soaps and lotions. As for the fabric's color, Ms. Beck insisted on black; "I was going for a chic-and-sleek look," she said.

Despite an extensive sewing background, Ms. Beck found glove-making maddeningly difficult. "Trying to sew these things, it's amazing what a sixteenth of an inch will do," she said. "It's the difference between a perfect glove or making it unwearable." After churning out a few haphazard prototypes on her home sewing machine, Ms. Beck turned over the production duties to a professional: Masley Enterprises of Wilmington, a company that makes gloves for the Army.

Ms. Beck's chosen microfiber might be effective at fending off microorganisms, but it's fairly

Reach Out and Touch That Subway Pole - New York Times

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deficient when it comes to gripping ability. To prevent commuters' hands from sliding off the subway poles at inopportune moments, Ms. Beck added plastic decals to the palm and fingers of each glove. And to stave off feelings of manual claustrophobia, a ventilation hole was added to the back of each City Mitt; Ms. Beck toyed with the idea of enlarging the hole all the way up to the mid-fingers, so that women could show off their wedding rings, but concluded that it was wiser to conceal such valuables.

Testing consisted of little more than Ms. Beck riding the R train back and forth, and wrapping her glove-clad hands around every possible surface that a jostled commuter might rub up against. "People were looking at me like I was crazy, grabbing poles as voraciously as I was," she said.

Ms. Beck also made a point of seeing whether she could easily open her wallet, operate a turnstile and or buy a MetroCard while wearing City Mitts; some extra-cautious users, she says, may prefer to don their gloves before entering the station, rather than just slipping them on at the platform.

Priced at \$20 a pair, the gloves have been available since March at CityMitts.com, with about 1,000 pairs sold so far. Ms. Beck said she had received a strong response from several other cities with crowded mass-transit systems, including London and Toronto.

But New Yorkers are obviously Ms. Beck's foremost target demographic: the plastic decal on each glove's palm features the Statue of Liberty.

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Latest Status Info

This page was generated by the TARR system on 2007-09-24 18:02:23 ET

Trademark Document Retrieval Serial Number: 78420055 Assignment Information

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Registration Number: 3143053

Mark

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(words only): LULA

Standard Character claim: Yes

Current Status: Registered.

Date of Status: 2006-09-12

Filing Date: 2004-05-17

Transformed into a National Application: No

Registration Date: 2006-09-12

Register: Principal

Law Office Assigned: LAW OFFICE 105

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Page 2 of 4

TrademarkAssistanceCenter@uspto.gov

Latest Status Info

Current Location: 650 -Publication And Issue Section

Date In Location: 2006-08-02

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. MATTEL, INC.

Address:

MATTEL, INC.

333 CONTINENTAL BLVD.

EL SEGUNDO, CA 902455012

United States

Legal Entity Type: Corporation

State or Country of Incorporation: Delaware

GOODS AND/OR SERVICES

International Class: 041

Class Status: Active

ENTERTAINMENT AND EDUCATIONAL SERVICES, NAMELY, PROVIDING ONLINE GAMES, PRODUCT TRIVIA AND

ACTIVITIES FOR CHILDREN

Basis: 1(a)

First Use Date: 2004-12-17

First Use in Commerce Date: 2004-12-17

ADDITIONAL INFORMATION

Name Portrait Consent: The name(s), portrait(s), and/or signature(s) shown in the mark does not identify a particular living individual.

MADRID PROTOCOL INFORMATION

PROSECUTION HISTORY

2006-09-12 - Registered - Principal Register

(NOT AVAILABLE)

Latest Status Info

2006-07-27 - Law Office Registration Review Completed

2006-07-19 - Allowed for Registration - Principal Register (SOU accepted) 2006-07-21 - Assigned To LIE

2006-07-14 - Statement of use processing complete

2006-06-21 - Amendment to Use filed

2006-06-21 - TEAS Statement of Use Received

2006-01-03 - Notice of allowance - mailed

2005-10-11 - Published for opposition

2005-09-21 - Notice of publication

2005-06-23 - Law Office Publication Review Completed

2005-06-17 - Assigned To LIE

2005-06-10 - Approved for Pub - Principal Register (Initial exam)

2005-05-25 - Teas/Email Correspondence Entered

2005-05-11 - Communication received from applicant

2005-05-11 - TEAS Response to Office Action Received

2004-12-17 - Non-final action mailed

http://tarr.uspto.gov/servlet/tarr?regser=serial&entry=78420055

9/24/2007

Latest Status Info

2004-12-15 - Non-Final Action Written

2004-12-15 - Assigned To Examiner

2004-05-24 - New Application Entered In Tram

ATTORNEY/CORRESPONDENT INFORMATION

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Doggie Daycare Lula and Baby Playset

by: Toys 'R' Us

It's another fun day in the world of Doggie Daycare! Meet more talented "nannies" from the daycare center. Each puppy pack includes a dog and one baby plus an accessory, all with magnetic features so that the dogs can hold babies and...(read

Manufacturer's Age: 4 years and up

Our Recommended Age: 4 - 8 years (details)

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bus. days. - (details)

Availability: In stock, usually leaves warehouse in 2 - 3 full



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PRODUCT INFORMATION

Product Description

It's another fun day in the world of Doggie Daycare! Meet more talented "nannies" from the daycare center. Each puppy pack includes a dog and one baby plus an accessory, all with magnetic features so that the dogs can hold babies and accessories.

Manufacturer's Age: 4 years and up

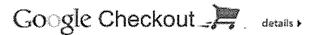
Our Recommended Age: 4 - 8 years (details)

Note: Gift wrap is available for this item.

Safety Warnings: Warning: Choking Hazard - Small Parts. Not For Children Under 3 Years.

Item #: 68931 SKU: 2B44144E UPC/EAN/ISBN: 027084165678

Manufacturer #: H2227







PRODUCT REVIEWS SUMMARY

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Serial Number: 78577248 Assignment Information Trademark Document Retrieval

Registration Number: 3059053

Mark



Standard Character claim: No

Current Status: Registered.

Date of Status: 2006-02-14

Filing Date: 2005-03-01

Transformed into a National Application: No

Registration Date: 2006-02-14

Register: Principal

Law Office Assigned: LAW OFFICE 111

If you are the applicant or applicant's attorney and have questions about this file, please contact the Trademark Assistance Center at <u>TrademarkAssistanceCenter@uspto.gov</u>

Current Location: 650 - Publication And Issue Section

Date In Location: 2006-02-14

LAST APPLICANT(S)/OWNER(S) OF RECORD

1. Li, Kwan-Tao

Address:

Li, Kwan-Tao 7th Floor, 201, Tun Hua North Road Taipei Taiwan Legal Entity Type: Individual Country of Citizenship: Taiwan

2. Chen, C.V.

Address:

Chen, C.V.

7th Floor, 201, Tun Hua North Road

Taipei Taiwan

Legal Entity Type: Individual Country of Citizenship: Taiwan

GOODS AND/OR SERVICES

International Class: 016 Class Status: Active

Printed matters and publications, namely, magazines, books, bulletins, and newsletters in the legal field

Basis: 1(a)

First Use Date: 1992-08-11

First Use in Commerce Date: 1996-09-05

International Class: 042 Class Status: Active

Legal services **Basis:** 1(a)

First Use Date: 1996-01-01

First Use in Commerce Date: 1996-01-00

ADDITIONAL INFORMATION

Transliteration: The non-Latin character(s) in the mark transliterates into "Li" and "Lu", and this means "reason or right" and "a law or a rule" in English.

Design Search Code(s):

26.03.02 - Ovals, plain single line; Plain single line ovals

28.01.25 - Cyrillic characters (Russian); Hieroglyphic characters; Inscriptions in other non-Latin characters; Russian characters (Cyrillic)

MADRID PROTOCOL INFORMATION

(NOT AVAILABLE)

PROSECUTION HISTORY

2006-02-14 - Registered - Principal Register

2005-11-22 - Published for opposition

2005-11-02 - Notice of publication

2005-10-04 - Law Office Publication Review Completed

2005-09-30 - Assigned To LIE

2005-09-26 - Approved for Pub - Principal Register (Initial exam)

2005-09-22 - Assigned To Examiner

2005-03-09 - New Application Entered In Tram

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